

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1183
94TH GENERAL ASSEMBLY

Reported from the Committee on Governmental Accountability and Fiscal Oversight, April 3, 2008, with recommendation that the Senate Committee Substitute do pass.

5257S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 215.020, RSMo, and to enact in lieu thereof three new sections relating to the Missouri housing development commission.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 215.020, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 215.020, 215.025, and 215.027, to read as follows:

215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the "Missouri Housing Development Commission" which shall constitute a body corporate and politic.

2. **Beginning August 28, 2008**, the commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and **[six] nine** members to be selected by the governor, with the advice and consent of the senate. **[The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction] No statewide officeholder shall be an officer of the commission.** Not more than **[four] five** of the members appointed by the governor shall be from the same political party. **The governor shall appoint one member from each of the nine congressional districts. In the event the state of Missouri loses a congressional district following redistricting based on the 2010 census, the ninth member of the commission may be from any congressional district.** The members of the commission appointed by the governor shall serve the following terms: **[Two] Three** shall serve two years, **[two] three** shall serve three years, and **[two] three** shall serve four years, respectively. Thereafter,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 each appointment shall be for a term of four years. If for any reason a vacancy
19 occurs, the governor, with the advice and consent of the senate, shall appoint a
20 new member to fill the unexpired term. Members are eligible for reappointment.

21 3. **[Six] Five** members of the commission shall constitute a quorum. No
22 vacancy in the membership of the commission shall impair the right of a quorum
23 to exercise all the rights and perform all the duties of the commission. No action
24 shall be taken by the commission except upon the affirmative vote of at least **[six]**
25 **five** of the members of the commission.

26 4. Each member of the commission appointed by the governor is entitled
27 to compensation of fifty dollars per diem plus his reasonable and necessary
28 expenses actually incurred in discharging his duties under sections 215.010 to
29 215.250.

215.025. The commission shall adopt a code of conduct which
2 shall govern the conduct of its members and its employees. The code
3 of conduct shall, in addition to other ethical matters, address conflict
4 of interest issues. The commission shall also establish conflict of
5 interest rules which require public disclosure of financial
6 arrangements between the commissioners and housing developers. The
7 commission shall promulgate rules and regulations necessary to
8 implement the provisions of this section. Any rule or portion of a rule,
9 as that term is defined in section 536.010, RSMo, that is created under
10 the authority delegated in this section shall become effective only if it
11 complies with and is subject to all of the provisions of chapter 536,
12 RSMo, and, if applicable, section 536.028, RSMo. This section and
13 chapter 536, RSMo, are nonseverable and if any of the powers vested
14 with the general assembly pursuant to chapter 536, RSMo, to review, to
15 delay the effective date, or to disapprove and annul a rule are
16 subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after August 28, 2008, shall
18 be invalid and void.

215.027. 1. Any employee of the commission shall be prohibited
2 from employment, consultation, or representation of a developer or any
3 entity that is associated with any developer before the commission for
4 three years.

5 2. The executive director of the commission shall be prohibited
6 from employment, consultation, or representation of a developer or any
7 entity that is associated with any developer before the commission for

8 five years.

9 3. Any employee of the commission who receives an inquiry or
10 has conversations of any type concerning prospective employment,
11 consultation, or representation with any developer or any entity that
12 is associated with any developer shall immediately notify the
13 commissioners in writing.

14 4. Any employee of the commission shall disclose in writing to
15 the commissioners no less frequently than every six months all
16 interests of any kind that he or she hold in any developer or any entity
17 that is associated with any developer.

18 5. Any employee of the commission shall immediately disclose in
19 writing to the commissioners if such employee of the commission
20 intends to obtain or is made aware that he or she will obtain any
21 interest of any kind in any developer or any entity that is associated
22 with any developer.

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Bill

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